

Having considered Plaintiff United States Gypsum Company's Notice and Motion for Summary Judgment, Memorandum in Support Thereof, Defendant Pacific Award Metals' Opposition thereto, the oral argument of counsel for each party at the June 2, 2006 hearing on Plaintiff's motion, and the supporting papers and complete records and files of this action, and GOOD CAUSE HAVING BEEN SHOWN THEREFORE,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment is granted. Judgment is hereby entered in favor of Plaintiff United States Gypsum Company on Defendant's counterclaims for false marking (Count II) and unfair competition (Count III).

IT IS SO ORDERED

Dated: _____, 2006

The Honorable Jeffrey S. White
United States District Judge
For the Northern District of California